Thirdly, the Government should set up a Coordination committee. Banks and the financial institutions should be made a part of it to see that all these sick industries get proper working capital and to see that the textile industry gets a new lease of life.

*[Translation]*

SHRI CHAMAN LAL GUPTA (Udhampur) : Mr. Deputy Speaker Sir, through you, I would specially like to draw attention of Home Minister towards the fact that we already have defence committees in District Doda.

There are defence committees in Doda district. These village defence committees were set up when the militants had intruded in remote villages where army, BSF, CRPF could not reach. The situation remains same even today. Some Sudanese, Afghanese and Pakistan trained militants are hiding with modern weapons in the hills of Doda. Mr. Deputy Speaker, Sir, you would be surprised to know that if a person is included in these defence committees, he is given a 303 rifle, which is an obsolete rifle today. When he exposes himself to this kind of situation, he cannot do any other work, not even farming .....*(Interruptions)*

MR. DEPUTY SPEAKER : Please do not converse among yourselves.

SHRI CHAMAN LAL GUPTA : The Government provides a total amount of Rs. 1500 to a committee consisting of eight membe-s. This is to meagre an amount to manage a committee of eight hon. Members who work full time. It is due to their efforts that Doda district has been free from any untoward incident. The hon. Minister of Home Affairs has said time and again that their honorarium would be enhanced, but nothing has been done so far. One can well imagine the expenditure likely to accrue on sending four constables there. The Government should pay attention towards those who endanger their lives for the sake of the unity of the country. In this connection, I would like to make three submissions. First, they have restricted the formation of Defence Committees as a result of which these committees are not being formed. The Government should allow formation of more defence committees. Secondly, each member of these defence committees must get at least Rs. 2000 p.m. as honorarium. Thirdly, they should be provided latest modern weapons. With old 303 rifles it is not possible for them to fight the terrorist in any way. These are my submissions to the hon. Minister of Home Affairs....*(Interruptions)*

MR. DEPUTY SPEAKER : I will give a chance to everybody.

*[English]*

SHRI UDDHAB BARMAN (Barpeta) Sir, the entire House and the entire country is aware that Assam and the North Eastern States are affected by violent activities ....*(Interruptions)*

*[Translation]*

MR. DEPUTY SPEAKER : When you will be speaking, nobody would listen to you in the same way as you are doing.

*[English]*

SHRI UDDHAB BARMAN : These sorts of activities are continuing for the last one decade and have already eaten up the developmental activities in the region. These have also affected the cultural and social life of that area. These have also brought frustration to the bright young boys and girls who aspire to compete in the All India Services, such as the UPSC.

There is a strong urge among those boy and girls and those students who are willing to compete in the All India Services that there should be some relaxation in respect of age limit. There is already an instance in relation to Jammu and Kashmir which has been affected by the insurgent activities. So the students of Assam and Northeast region should also be given age relaxation up to five years for competing the All India Service Examinations so that they can also contribute to the All India Services.

I would, therefore, request the Government to issue orders for age relaxation for those students coming from Assam and the Northeastern States for appearing in the All India Competitive Examination. I think, this would also to some extent wipe out some sort of regional imbalances prevailing in the All India Services.

**13.00 hrs.**

*[Translation]*

SHRI NITISH KUMAR : Mr. Deputy Speaker Sir it is with great anguish and with your permission that I would like to raise a question. Whatever happened yesterday was not proper. I was invited by the Chair. I had patiently listened to the view points of the other party. Shri Ram Kripal Yadav had already spoken and so also Shri Priyaranjan Dasmunsi; After them that I was invited to speak, but I was interrupted.

MR. DEPUTY SPEAKER : Mr. Nitish Kumar, you are not speaking on the subject of discussion.

SHRI NITISH KUMAR : Deputy Speaker, Sir, I am coming to the same subject. Mr. Ram Kripal has expresed my view yesterday. I had given a notice in this regard yesterday and today also. I am coming to the same subject.

Mr. Deputy Speaker, Sir, a high level conspiracy is going on the demoralise the CBI team which is investigating fodder scam. Through you, I want to draw the attention of the Government towards this. On the issue of deputing army, hon. Home Minister had given a statement in this House namely : first, whether the State Administration did not cooperate as far as the question of arrest of former Chief Minister of Bihar is concerned; secondly, what made it necessary to seek assistance from the Army; Third whether Coal India's aircraft was misused? These three points were raised, while hon. Home Minister covered only one point in his reply and that too was replied to the other way round. It gave an impression that some conspiracy is being hatched to punish the CBI team which under the guidance of the Court, is investigating the case honestly and in an impartial manner.....*(Interruptions)*

SHRI RAM KRIPAL YADAV (Patna) : Mr. Deputy Speaker, Sir, it is a nexus.....*(Interruptions)*

SHRI NITISH KUMAR : You had spoken yesterday also and today also when your turn comes, you may speak but my request to you is not to interrupt me....*(Interruptions)*

MR. DEPUTY SPEAKER : Shri Ram Kripal, Please sit down, When your turn comes, you may speak. Do not interrupt him ....*(Interruptions)*

SHRI NITISH KUMAR : Mr. Deputy Speaker, Sir, hon. Home Minister had made a statement in this House as well as in the other House wherein it was stated that the CBI people approached the army. It was also pointed out that SP, CBI Patna Branch called on the High Court judge directly. But as per our information, no CBI officer of Patna Branch called on the judge. Only a counsel representing the CBI had met the judge. It has been reported on the basis of it that as per the judge's direction, CBI people had approached the army for getting its cooperation since the State Government was not cooperating. It is, however, a different issue whether it was within one's jurisdiction to approach the army or not. The situation was the result of the non-cooperative attitude of the State Administration.

Mr. Deputy Speaker, Sir, on the other hand the high ranking official, who despite being on extension have been appointed as Director, made the arrest all the more impossible. When the Supreme Court rejected the plea for anticipatory bail, a FAX message was sent to the Patna Branch of the CBI, to arrest him. That FAX message was leaked to the electronic media, hence the news that Director has ordered to arrest him started to pour-in on Private Channels. Didn't director break the line of control by doing this? What necessitated Director to send the orders directly to the Patna Branch? Was it not the duty of the Director, to send the message to the joint director of the eastern zone. They could have taken over decision as to what should be done in this matter. Therefore, I would like to say that such an effort has deliberately been made at the high level to give it such a turn that, the persons involved in investigation and who are being appreciated, can be counter attacked and thus removed from their job and disciplinary and administrative action could be taken against them.

Mr. Deputy Speaker, Sir as far we know, and it appeared in the news papers also that CBI officers sought assistance of the army due to non-cooperation of the State Government in regard to the arrest of former Chief Minister. All this information was available here. Even then what was the reason why a decision was not taken. All these points should have been kept in mind. By not keeping all this information and by taking action against those who were involved in investigation, an effort at high level was made to demoralise them. FAX message was not sent to the person who is posted at Calcutta and who is officer incharge of the region, rather it was sent directly to the officers of the Patna Branch of the CBI that he be arrested immediately, This message was deliberately leaked out to the electronic media, so that the people could throng there and become hindrance to the arrest. All this conspiracy was an attempt to shatter the morale of the investigating team to divert their attention from the fodder scam or to twist it to the wrong, direction. Therefore, I would like to draw the attention of the House. Yesterday one point was raised regarding Article 356....*(Interruptions)*

SHRI RAM KRIPAL YADAV : When he can putforth his point of view why can't I ....*(Interruptions)*

MR. DEPUTY SPEAKER : What is this ?

....*(Interruptions)*

MR. DEPUTY SPEAKER : Please sit down

....*(Interruptions)*

SHRI NITISH KUMAR : I am just going to conclude. We have now reached at a point that judicial activism is being raised here....*(Interruptions)* This is court. The Court has observed that Article 356 should not be misused and the same court has made a remark on the basis of the report of DSP, has made a remark as far law and order situation is concerned ....*(Interruptions)* there is jungle rule in Bihar ....*(Interruptions)* a total constitutional break down. The Court did not make observation, it has just passed a remark ....*(Interruptions)*

*[English]*

MR. DEPUTY SPEAKER : Shri Nitish Kumar, please sit down. Now i call Shri P.R. Dasmunsi to speak.

....*(Interruptions)*

*[Translation]*

SHRI NITISH KUMAR : I am concluding....*(Interruptions)*

MR. DEPUTY SPEAKER : His notice is on this subject only.

....*(Interruptions)*

MR. DEPUTY SPEAKER : You have also given, but first is his.

....*(Interruptions)*

SHRI NITISH KUMAR : He raised it yesterday on the same subject. ....*(Interruptions)*

MR. DEPUTY SPEAKER : Please sit down.

....*(Interruptions)*

SHRI RADHA MOHAN SINGH (Motihari) : He spoke on this subject yesterday also....*(Interruptions)*

SHRI NITISH KUMAR : Mr. Deputy Speaker, Sir, let me conclude.....*(Interruptions)*

MR. DEPUTY SPEAKER : Nitishji please sit down now. I have called Shri Priya Ranjan Dasmunsi.

....*(Interruptions)*

SHRI NITISH KUMAR : Let me conclude. ...*(Interruptions)* As far as the observation of Patna High Court is concerned, it clearly depicts the situation prevalent there, as regards Article 356, yesterday only, Shri Priya Ranjan Dasmunsiji raise this issue. Chandra Shekhar ji is sitting here. With regard to the use of Article 356....*(Interruptions)*

MR. DEPUTY SPEAKER : Please conclude.

....*(Interruptions)*

SHRI NITISH KUMAR : With regard to the use of Article 356, if the Central Government besides the Governor's report is convinced through some other source, it can invoke Article 356.....*(Interruptions)* The court can say so. It is in its plea. ....*(Interruptions)*

*[English]*

MR. DEPUTY SPEAKER : Please sit down. Please take your seat now.

*[Translation]*

SHRI NITISH KUMAR : But yesterday an attempt was made to condemn the court by referring to judicial activism....*(Interruptions)* This proposal is condemnable. I condemn it ....*(Interruptions)*

MR. DEPUTY SPEAKER : Your name is there. Please sit down.

....*(Interruptions)*

*[English]*

MR. DEPUTY SPEAKER : Shri Nitish Kumar, Please resume your seat. Please sit down.

*[Translation]*

SHRI NITISH KUMAR : The Judgement of the court is based on facts. The Central Government should take action in view of the overall situation prevailing in Bihar. ....*(Interruptions)*

*[English]*

MR. DEPUTY SPEAKER : I have already called Shri Dasmunsi. Please sit down.

*[Translation]*

SHRI JAI PRAKASH (Hissar) : Mr. Deputy Speaker, Sir, I have a point of order ....*(Interruptions)*. There are important issues other than Bihar ....*(Interruptions)* it takes whole day when you raise the issue of Bihar ....*(Interruptions)*. There are issues of Haryana as well.....*(Interruptions)*

*[English]*

MR. DEPUTY SPEAKER : Nothing is going on record.

....*(Interruptions)**

*[Translation]*

SHRI RAJIV PRATAP RUDY (Chhapra) : He has discussed this issue yesterday also.....*(Interruptions)*

MR. DEPUTY SPEAKER : Please sit down.

....*(Interruptions)*

*[English]*

SHRI P.R. DASMUNSI : What are you talking? The Deputy Speaker has called me because I have given a notice on this subject....*(Interruptions)*

*[Translation]*

PROF. RITA VERMA (Dhanbad) : Mr. Deputy Speaker, Sir, will the same person speak daily?....*(Interruptions)*

MR. DEPUTY SPEAKER : It means that you are not interested in Zero Hour.

....*(Interruptions)*

MR. DEPUTY SPEAKER : I will give opportunity to all.

....*(Interruptions)*

PROF. RITA VERMA : Mr. Deputy Speaker, Sir, he has already spoken yesterday... *(Interruptions)*. Will he speak same things daily ....*(Interruptions)*

*[English]*

SHRI P.R. DASMUNSI : What are you talking? This is not fair. ....*(Interruptions)* Mr. Deputy-Speaker, Sir, at the outset, I would like to tell you that I am not defending any party or any individual. I am talking of a very principle position, what the former Prime Minister, Shri Chandra Shekhar had stated in the House.....*(Interruptions)* Sir, a very senior thing had happened in the country. If irrespective of colour of political parties we do not respond to this matter, I think, the future of democracy is at stake. I just tell you one thing. Let Shri Laloo Prasad Yadav's case have its legal, political consequences in Bihar. We are not bothered about that, We are bothered about the system....*(Interruptions)*

MR. DEPUTY SPEAKER : Please wait. The word 'late' should not go on record.

*[Translation]*

SHRI P.R. DASMUNSI : I did not say "late" but I said 'let'

*[English]*

MR. DEPUTY SPEAKER : That is all right.

SHRI P.R. DASMUNSI : Mr. Deputy-Speaker, Sir, the Central Bureau of Investigation is functioning at the behest of the Prime Minister and whatever the CBI does, the Prime Minister is answerable to his Cabinet and to the House.

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*Not Recorded.

The CBI may do right or wrong. I am not going to question. But as it has been reported in media, documented many times, the CBI, for a particular occasion to arrest a person, sought the help of the Army. The Army Commander wrote to the CBI. The letter is with me....*(Interruptions)*

SHRI SOMNATH CHATTERJEE : How?

SHRI P.R. DASMUNSI : Yes. I am not going to disclose the source.....*(Interruptions)*

MR. DEPUTY SPEAKER : Please sit down.

....*(Interruptions)*

MR. DEPUTY SPEAKER : Shri Nitish Kumar, you should listen to him also.

SHRI P.R. DASMUNSI : What is this?....*(Interruptions)**

MR. DEPUTY SPEAKER : Let him conclude please.

....*(Interruptions)*

SHRI SOMNATH CHATTERJEE : ....*(Interruptions)* Shri Atal Bihari Vajpayee had a copy of this CBI report ....*(Interruptions)*

SHRI P.R. DASMUNSI : Every Member can quote and you can challenge.

SHRI MADHUKAR SARPOTDAR (Mumbai North-West) : Let the Member authenticate it. You put it before the House.

SHRI P.R. DASMUNSI : This is not fair. ....*(Interruptions)*

MR. DEPUTY SPEAKER : Please sit down .....*(Interruptions)*

*[Translation]*

MR. DEPUTY SPEAKER : Let Shri Chandra Shekharji express his views. ....*(Interruptions)*

SHRI CHANDRA SHEKHAR (Ballia) : Mr. Deputy Speaker, Sir, my only submission is that every member has a right to express his views. If any member is speaking, at the moment Shri Priya Ranjan Dasmunsi was speaking and what Shri Nitish ji has said was quite objectionable....*(Interruptions)*

MR. DEPUTY SPEAKER : I have not heard.

*[English]*

That goes off the record.

*[Translation]*

SHRI CHANDRA SHEKHAR : One should not use such kind of words in the House because we were listening patiently when Shri Nitish Kumar ji was speaking. He may disagree with the views of Shri Priya Ranjan Dasmunshi but he has no right to say that they are the custodian of honesty who are opposing Shri Laloo Prasad Yadav.....*(Interruptions)*

*[English]*

SHRI P.R. DASMUNSI : Sir, I would like to submit that the functioning of the democratic Government, executive functioning should continue according to the law and rules of the land. While a CBI officer quoting the order of the Court or the oral instructions of the court communicated to the Army Commander Shri Indrajit Gupta may bear with me; he is in possession of the record the Army Commander wrote to the CBI that the Court has conveyed me that they have not passed such orders and he after consultation, said that the civil administration cannot use them for such purpose. It has been stated by the Army Commander and it has been documented and what he said is "The case was referred to the Army Headquarters as per the existing instruction contained in Section 1, paragraphs 1&2, Instruction on Aid to Civil Authorities '69. The aid is to be requisitioned by the civil Government. In this case, it is the Government of Bihar. The civil Government has made no such request". There was no request either from the Governor or from the Chief Minister.

JUSTICE GUMAN MAL LODHA (Pali) : If the document is authenticated, you please put it on the Table of the House. It cannot be read. You authenticate the validity of the document. Take the permission.

SHRI P.R. DASMUNSI : I agree.

JUSTICE GUMAN MAL LODHA : Authenticate it. Place it. Take the permission.

SHRI P.R. DASMUNSI : I agree. ...*(Interruptions)*

*[Translation]*

MR. DEPUTY SPEAKER : You have read the letter. Please do lay it on the Table after due authentication.

*[English]*

Carry on further.

SHRI CHANDRA SHEKHAR : He can quote if he wants.

SHRI P.R. DASMUNSI : If this is your ruling, nobody can quote any Government document without authentication.

MR. DEPUTY SPEAKER : No, I have not given this ruling.

SHRI P.R. DASMUNSI : It is all right.

SHRI PRAMOD MAHAJAN : Since we are all interested in taking the name, you authenticate it. You put it on the Table of the House. We all will get a copy.

MR. DEPUTY SPEAKER : This is what I have said.

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*Not Recorded.

SHRI P.R. DASMUNSI : I leave it to you, Sir.

This has proved that the CBI without consulting the appropriate authority in Delhi, without knowing the law of the land and without knowing the civil order instruction as to how to call the Army, overstepped into the system.

Having overstepped in this order, it has deliberately misled the nation in executing its rights. If the C.B.I. feels that Chief Minister's wife may not protect me. The CBI could go to the Governor and if the Governor refuses, the C.B.I could contact the Home Minister. But the CBI has no right in this matter to straightaway go to the Army and to requisition its services. This is not for any case of Bihar but for any part of India. I say with heavy heart-Shri Nitish Kumar and other Members will misunderstand me— that I am not in favour or against any political leader but I am shocked as a Member of Parliament. It is the judicial function in the country that the High Court and the Supreme Court will decide as to who will resign and who will not resign? It is the selected Legislature who, at the Report of the Governor, should resign and not the High Court, I am telling it. The High Court can interpret article 356, but it cannot direct article 356. The Supreme Court can interpret article 356, but it cannot direct article 356. The Allahabad High Court cannot ask Kumari Mayawati tc go far article 356. The Supreme Court cannot ask Shri I.K. Gujral to resign. The Bihar High Court cannot ask the Government to resign or get article 356 or the Calcutta High Court cannot say so. It is the prarogative of the Governor to send the Report. If we approve these things from the House, then we are surrendering our rights. That is what I was submitting to you. I hope that the whole House would bear me in this matter. The Army should not be treated in this manner by the CBI and the High Court observations should not be encouraged in this fashion...*(Interruptions)*

*[Translation]*

SHRI RAJESH RANJAN ALIAS PAPPU YADAV (Purnea) My name is also there.

MR DEPUTY SPEAKER : Do not raise your hand. I will give chance to everyone.

*...(Interruptions)*

MR. DEPUTY SPEAKER : Your name is there. I will call you also.

*[English]*

DR. DEBI PROSAD PAL (Calcutta North-West) : Sir, I would like to draw your attention to a news item which has appeared in the newspapers...*(Interruptions)*.

MR. DEPUTY SPEAKER : I have called him. Please take your seat.

*...(Interruptions)*

MR. DEPUTY SPEAKER : Nothing will go on record

*...(Interruptions)**

*Not Recorded.

SHRI JASWANT SINGH (CHITTORGARH) : Sir, quite inadvertently, perhaps even unintendedly two issues have got together and it is the reflection on the current reality of a state of the Union that both those issues referred to Bihar.

The first is a background cited by my good friend and distinguished colleague, Shri P.R. Dasmunsi. I too, have had access to this document and in fact, I have referred to this document earlier in our morning discussion as well. The issue here is not procedural. It is not a question of procedures. This is a question of substance....*(Interruptions)*. It is not a question of propriety. The issue is of substance. If procedures are not impeccably followed by a particular section of the Executive, That should not, and must not become a ground for thwarting the total procedure, the total substance of the inquiry, that is, today at the Centre of the controversy in Bihar.

We must also not forget that in Bihar what is being done by the CBI is being done under the instructions of the High Court of Patna. The CBI is not taking instruction from the Union Government or from the State Government or from anybody else. It is the High Court of Patna that is directing then to do so.

I do appeal to the hon. Home Minister to please bear in mind that simply because a procedural mistake has been made in the matter of a proper inquiry, therefore, he wishes to push aside the substance of the issue in Bihar about *chara ghotala*. Please do not do it and if you were to do it, you would be guilty of a very great wrong.

The second issue relates to observations of the hon. High Court of Patna. This is not the first occasion when the High Court has been persuaded to say what it has said, I appeal to you, Sir, and to the entire House that this is not the forum. Let there be a discussion on the role of the Judiciary and the inter relationship of the Judiciary and the Legislature, and than that becomes a proper occasion for us to not simply talk about what the High Court of Patna has said but also other aspects. What I do say, however, is that if twice the High Court of Patna has had occasion to make an observation, this should not be used as an issue to create a confrontation between the Legislature and the judiciary. I think it is incumbent on the Government and it had become incumbent on the Government I mean the Union Government, yesterday, at 11 a.m., very substantial issue had then been raised. The Governor of Bihar had reacted. I am not going into the merits or demerits of the observation made. It had then become incumbent on this Government, of its own, to come forward with a reaction about the facts of the matter, about the actual observation made and the actual reaction of the Government. The Government has kept silent on all this. And it is this kind of silence, where it is necessary for them to say something otherwise an over activism about the inquiry, when there is a need for them to keep their hands off. This is what is bringing the troubles in Bihar to this kind of situation. I do appeal to you to please direct the Government to come forward with the statement on the observations of the hon. Patna High Court. The Government must react. If they do not react, it becomes the kind of situation that we are witnessing today Legislature vs. Judiciary. That must be avoided and it is the responsibility of the Government to react.

*[Translation]*

SHRI CHANDRA SHEKHAR : Mr. Deputy Speaker, Sir, my submission is that the directives of Patna High Court is quite contrary to its jurisdiction. It's not such an important issue on which the Home Minister of Government of India should give any statement. The need of the hour is that you should warn the judiciary on behalf of this House that they should not trespass their jurisdiction. I am telling this thing with responsibility...*(Interruptions)*

*[English]*

MR. DEPUTY SPEAKER : Please do not interrupt him.

*[Translation]*

SHRI CHANDRA SHEKHAR : Please sit down. Why are you helping me? I can help myself....*(Interruptions)*

*[English]*

MR. DEPUTY SPEAKER : Please let him speak.

*[Translation]*

SHRI CHANDRA SHEKHAR : I want to tell you that whenever the provisions of the constitution are violated and whenever dictatorship has emerged, people have went out of their jurisdiction. Criminals who commits crime dies his own death but the people who came to power on pretext of rooting out corruption are responsible for bringing dictatorship in the world. The trend which we witness today is indication of that attitudes if we have even a bit of love and attachment for the parliamentary democracy such kind of activities should be denounced unanimously by the parliament and instead of debating in this House a warning should be issued to the judiciary, executive and legislative for adhering to their respective jurisdiction. My first point was this.

My next point is related to what my friend Sh. Jaswant Singh has said. I usually agree with him but he has said that the CBI were active in regard to fodder scam and that was necessary in the interest of the country and India's prospective history depends on that. I do not want to criticise it for this but as CBI is obliged to do its duty administration of Bihar too had certain obligation to fulfill. The people belonging to Bihar administration have said, be it right or wrong, that had Sh. Laloo Prasad Yadavji been arrested that day, there would have been loss of lives due to lathi-charge and firing. Was it not the duty of administration to postpone his arrest for 12 hours? The country was not going to crumble within those 12 hours. Foreign armies were not going to attack us within those 12 hours. Why the CBI was in hurry when Shri Laloo Yadav ji had said that he is going to surrender next day? If they were in hurry yet...*(Interruptions)* let him say, it's right.

SHRI SATYA PAL JAIN (Chandigarh) : An accused will tell when should he arrested.....*(Interruptions)*

SHRI CHANDRA SHEKHAR : It does happen. Many a time administration has to ask from the accused. Do not say it so loudly. Please keep in mind what is going on in Maharastra.....*(Interruptions)* Since last two years, my friend Shri Pramod Mahajan...(*Interruptions*). Do not teach me law. ...(*Interruptions*) Shri Pramod Mahajan is sitting here. IPC and Cr. P.C. are applicable there also and I know how much they are trying to apprehend him, Don't say all this of me.

I want to say that sometimes one has to ask from the accused. You have to save the life of people. Sometimes administration has to accommodate such things if it wants to save the country and some particular area from anarchy. The administration did not commit any mistake in doing so. The administration did the right task. But if the High Court has given a directive to CBI to call army, it would be the worst thing. I am happy to hear the people in High Court are saying that they have not given any such order. If it is true then High Court has done right thing. But Mr. Deputy Speaker, Sir, now the units are being crossed. It is the duty of judiciary itself to control itself from further advancement in the name of judicial activism. I request the Hon'ble Chief Justice of India, if he gets my voice to do something in this regard. Everything should not be left on parliament. It is his duty also to maintain discipline and control over judiciary. If you ask MPs all the time to protect judiciary then who is going to protect the executive? Therefore, Mr. Deputy Speaker, Sir, You and our Hon'ble Speaker should pay attention to this. This is not proper to blame governments for everything, be it Bihar Government or central government. Our friend Shri Indrajit Gupta who very audaciously, in spite of being Home Minister, cooperate with opposition but people are not satisfied. We are not ready to be convinced by anybody's because we are nursing hatred, despite and competitiveness among ourselves. I tell this with responsibility that this is not the duty of the House to order whom to arrest or whom not to. The House can give such orders only when there is a treason or country is under attack. If somebody is being arrested then the House can say that his civil rights be protected. This House is not meant to give views on arrests. We are not police inspector and not any such machinery who should talk about the arrest of the people.

It seems it has become our National duty since the last few months to apprehend one man. All these people who are clamouring for his arrest are seem patriots. symbol of rectitude and feel that the future of the country lies in their hand. This is against the dignity. Mr. Deputy Speaker, Sir we have to get rid of such a thing....*(Interruptions)*

MR. DEPUTY SPEAKER : Let me say something.

...*(Interruptions)*

*[English]*

MR. DEPUTY SPEAKER : Lodha ji, you are a senior member. Let me have my say.

*[Translation]*

I also want to say something.

...*(Interruptions)*

JUSTICE GUMAN MAL LODHA : It is in the record of the House. He had said, why you are not using your gun Mr. Chauhan, why don't you arrest Mr. Advani? Today, you are speaking in the favour of Mr. Laloo Prasad. What you have said earlier, is in the records.....*(Interruptions)* At that time to arrest Advani ji ...*(Interruptions)*

**13.29 hrs.**

[SHRI BASU DEB ACHARIA *in the Chair*]

SHRI NITISH KUMAR : Please also say something about personal animosity....*(Interruptions)*

MR. CHAIRMAN : Mr. Nitish, Please take your seat.

...*(Interruptions)*

PROF. RITA VERMA : Mr. Chairman Sir, I had also given a notice yesterday, I should also be given a chance to speak...*(Interruptions)*

SHRI CHANDRA SHEKHAR : I am replying to the question of Mr. Lodha. ...*(Interruptions)*

*[English]*

MR. CHAIRMAN : Please do not interrupt. Please take your seat

...*(Interruptions)*

*[Translation]*

SHRI RAJESH RANJAN ALIAS PAPPU YADAV : Mr. Chairman Sir, I have also given a notice.....*(Interruptions)*

SHRI CHANDRA SHEKHAR : Mr. Chairman Sir, I would like to reply to the question of Mr. Lodha. At the time when Mr. Advani was arrested, I was the only person who had protested and in a public statement at the residence of Mr. Advani I had said that his arrest was unlawful. As far as the question of arrest is concerned, I had asked him to use his gun in case peace of the House is threatened. Do not keep quite ...*(Interruptions)*

JUSTICE GUMAN MAL LODHA : I am ready to resign, if Mr. Chandrashekar has not asked Mr. Chauhan to use a gun in this House...*(Interruptions)*

*[English]*

MR. CHAIRMAN : Please take your seat.

...*(Interruptions)*

MR. CHAIRMAN : Nothing will go on record.

...*(Interruptions)**

*Not Recorded.

MR. CHAIRMAN : I have called Shri Somnath Chatterjee.

...*(Interruptions)*

MR. CHAIRMAN : Silence Please.

PROF. RITA VERMA : Sir, I have also given a notice...*(Interruptions)*

*[English]*

MR. CHAIRMAN : Shri Mandal, Please take your seat.

...*(Interruptions)*

SHRI SOMNATH CHATTERJEE : Mr. Chairman, Sir...*(Interruptions)*

MR. CHAIRMAN : Nothing will go on record.

...*(Interruptions)**

*[Translation]*

SHRI RAJESH RANJAN ALIAS PAPPU YADAV : Sir, I have point of order.

*[English]*

MR. CHAIRMAN : There is no point of order during zero hour.

...*(Interruptions)*

MR. CHAIRMAN : Please allow others to speak.

...*(Interruptions)*

MR. CHAIRMAN : Please take you seat. I will call you.

...*(Interruptions)*

*[Translation]*

MR. CHAIRMAN : Please take your seat.

SHRI SOMNATH CHATTERJEE : Mr. Chairman, Sir, ...*(Interruptions)*

MR. CHAIRMAN : What is this?

...*(Interruptions)*

*[Translation]*

PROF. RASA SINGH RAWAT (Ajmer) : Sir, Bihar is in the grip of corruption ...*(Interruptions)*

*[English]*

SHRI SOMNATH CHATTERJEE : Mr. Chairman Sir, ...*(Interruptions)*.

*Not Recorded.

MR. CHAIRMAN : Dr. Satyanarayan Jatia, please sit down.

*...(Interruptions)*

MR. CHAIRMAN : Please take your seats if you want to have a chance to speak.

*...(Interruptions)*

*[Translation]*

SHRI SATYA PAL JAIN : Mr. Chairman Sir, I could not follow the subject of the discussion.....*(Interruptions)*

PROF. RASA SINGH RAWAT : Earlier, these people use to say that the court's decision should be followed now the same people are trying to defy it.....*(Interruptions)*

MR. CHAIRMAN : Mr. Lodha, Please take your seat.

*[English]*

Please take your seats. I am on my legs.

*...(Interruptions)*

*(Translation]*

JUSTICE GUMAN MAL LODHA : The same people are saying that BJP is not following the court in the matter of Ram Janma Bhoomi....*(Interruptions)* Now, they are speaking against the court.

*[English]*

MR. CHAIRMAN : Justice Guman Mal Lodha, What is you intention? Do you not want that the House should continue?

*.. (Interruptions)*

MR. CHAIRMAN : I have called Shri Somnath Chatterjee. You are not hearing him

*...(Interruptions)*

SHRI SOMNATH CHATTERJEE : You do not know what I am going to say....*(Interruptions)*

*[Translation]*

SHRI SATYA PAL JAIN : Why are you adopting two standards? Why are you adopting double standards in the matter of Janma Bhoomi and Bihar...*(Interruptions)* you are supporting a corrupt man...*(Interruptions)*

SHRI SYED MASUDAL HOSSAIN (Murshidabad) : We can also speak. We will not let anyone speak...*(Interruptions)* we will not let BJP speak after this. When Mr. Jaswant Singh spoke we listened him....*(Interruptions)*

*[English]*

DR. RAM CHANDRA DOME (Birbhum) : While the Member from their Party was speaking, we did not disturb him. Why are they disturbing now?...*(Interruptions)*

SHRI SOMNATH CHATTERJEE : Mr. Chairman, we very patiently listened to ...*(Interruptions)*

*[Translation]*

MR. CHAIRMAN : All right, I will call you also, Please be silent. Mr. Pappu Yadav, Please be silent. What happened to all of you. Can't you be just silent. Listen, what Somnath ji is saying.

*[English]*

SHRI SOMNATH CHATTERJEE : We had listened very patiently to Shri Jaswant Singh. At least, let us have a mutual courtesy. I know that they do not even know what I am going to say and they are objecting to that. ...*(Interruptions)* Why did they not object when their leader was speaking? Why did they not object when Shri Jaswant Singh was speaking? They should not adopt double standards.

LT. GENERAL PRAKASH MANI TRIPATHI (Deoria) : There are other issues also available here for discussion. This is not the only issue. That is what we have objected to ...*(Interruptions)*.

MR CHAIRMAN : I have allowed Shri Somnath Chatterjee only.

*...(Interruptions)*

MR. CHAIRMAN : Pleases take your seats.

SHRI SOMNATH CHATTERJEE : Mr. Chairman, Sir, this is a matter which every part of the House should be concerned about. I think that it is a matter of serious concern for the entire House.

This is becoming very common nowadays that the constitutional provisions regarding separation of powers are obliterated day by day. The time has come when we have to very seriously think of whether the country will be run either by the Judiciary alone or by the Executive or by the Legislature. What are the respective roles? Under whom is the Army? We understand that there was supposedly an oral order or instruction. To whom was the instruction given? It was given to a CBI officer. How did he approach the court?

The Army is neither under the judiciary nor under the CBI. The very minimum knowledge is that the authority who can direct the Army to be deployed should be approached in the matter. If it was done orally, can it be said that any oral observations of the court can be treated as the last word what the learned judge did not feel it serious enough to have put it on record? Only a written order can be executed. This is the minimum norm which is known in this country. Nobody knows whether there was an oral order or there was no order at all. It was not done in a public court. Therefore, let us not try to go only on partisan considerations; let us ignore such matters and apply certain standards.

I was very shocked to hear an hon. Member like Shri Jaswant Singh. I think that he was applying his Army standards

in every behaviour; just because he belongs to a party, to which I do not know whether he belongs with his own heart or not...*(Interruptions)*

DR. SATYANARAYAN JATIA (Ujjain) How can you say that?

SHRI SOMNATH CHATTERJEE : That is my understanding. Why are you objecting to my understanding?

He says that the matter of rule or procedure should not stand in the way. Has the procedure got no relevance for calling the Army? He says that a mare matter of procedure should not stand in the way of tackling the situation by sending the Army there.

Sir, I congratulate the Home Minister for having taking a very serious and correct attitude.

*[Translation]*

SHRI SATYA PAL JAIN : What was the reason? Why was the army called? Tell us about that...*(Interruptions)*

*[English]*

SHRI SOMNATH CHATTERJEE : Sir, I have repeatedly said on the floor of the House that if Shri Laloo Prasad Yadav is guilty, upon a proper trial he should suffer whatever the law of this country provides and I had also requested Shri Laloo Prasad Yadav to please resign since serious allegations have been made a charge-sheet has been field. I have repeatedly said that on the floor of the House. Therefore, it is not a question of exonerating Shri Laloo Prasad Yadav or anybody, for that matter. But it is a question of constitutional issues which are being discussed today. Therefore, I believe, the Government of India has taken a firm stand that if somebody crosses the border he must suffer and must face the consequences.

Sir, the other thing is also very important. There were so many occasions to discuss about the imposition of Article 356 of the Constitution. Earlier, it was known that the court had no power even to go into the legality, the Justifiability of the application of Article 356 by the Government. Then, we had also contented that the court would have jurisdiction, because there may be *malafide* application of Article 356. The court had upheld that position and we have applauded that. The court will consider, in a proper manner, whether Article 356 has been correctly applied or not according to the Constitution or according to the existing situation. But, what is happening now? The court is directing the Government to ...*(Interruptions)*

JUSTICE GUMAN MAL LODHA : It is not a direction.

SHRI SOMNATH CHATTERJEE : This is still worse.

JUSTICE GUMAN MAL LODHA : It is a verbal observation. It is not a direction or a judgement. Do not mislead the House.

SHRI SOMNATH CHATTERJEE : Sir, I feel this is worse. A judicial authority is making certain observations. If he felt so strongly, then he should have recorded reasons and written orders should have been given. Do observations become enforceable in any court of law? It has no relevance at all. Even *obiter dicta* have to be taken note of and recorded in a Judgement.

Then, why is there so much publicity for this? Is it just because it relates to Bihar? Just because it relates to Bihar, I find that even very thoughtful, discerning Member of this House are now applauding those Judicial observation. How can it be? Who will face the consequences of the imposition of Article 356? Is it the Executive or the Judiciary? Who has to face the consequences? Who will issue the order? How can they express such observations on totally political and executive matters? So, we must express our deep concern about it.

Sir, I yield to non in my respect for the Judiciary. But that cannot mean that this impression which is going round the country should be allowed to snowball, namely that every organ in this country, every authority — be it the Legislature, be it the Executive — should be under the feat of the Judiciary. It cannot be the Judiciary has to proceed according to law.

Sir, I have supported Public Interest Litigation and so far, it has provided relief to the downtrodden by loosening the rule of locus standi: from locus standi it has now become judicial activism.

*[Translation]*

SHRI RAJIV PRATAP RUDY : I have also given a notice in this matter. I'm waiting for long.

MR CHAIRMAN : Alright please take your seat.

*[English]*

SHRI SOMNATH CHATTERJEE : Sir, a former Chief Justice of India, in an article outside the court, say that because of the malfunctioning of the Member of Parliament, the Member of Parliament do not, any longer, represent the people.

*[Translation]*

JUSTICE GUMAN MAL LODHA : Mr. Chairman, yesterday when Mr. Nitish was in the Chair he said that he will allow me to speak tomorrow.

*[English]*

SHRI RAJIV PRATAP RUDY : Sir I have given my notice....*(Interruptions)*

SHRI SOMNATH CHATTERJEE : The former Chief Justice of India while remaining in office, has written an article saying that the Members of Parliament have ceased to have democratic credentials. He has said and I am quoting his words that the executive can no longer be trusted because it is malfunctioning and, therefore, the court has to take an aggressive role and issue order by adopting innovative procedures in respect of issues which are beyond the subject matter of the judiciary. 'This has been said in a written article. Are we or are we not concerned? We are not approving also greatly concerned about it. Therefore, to say that all the Members of parliament ceased to be democrats and that the

executive has become irresponsible is a very serious matter. Shri Jaswant Singh said that it was incumbent on the Government to come forward with its reaction. ...*(Interruptions)* Please control your Members. ...*(Interruptions)*

MR. CHAIRMAN : He is concluding.

SHRI SOMNATH CHATTERJEE : Mr. Chairman, Sir, Shri Jaswant Singh said that it was incumbent on the Government to come forward with its own reaction. According to me, it was incumbent on the Government to totally ignore these observations. I congratulate the Government for having ignored It. I want to say, with all respect to the judiciary, that please do not create a situation of confrontation. Let us not go back to that U.P. case, which has created a bad history in our country. Let us not go back to that situation and let us have our own areas of functioning. Therefore, I submit that the Government has a right to ignore it. ...*(Interruptions)*

*[Translation]*

SHRI MANGAL RAM PREMI (Bijnor) : Mr. Chairman, I am trying to raise this issue since 22nd but I could not get the time. Safai Karmcharis of Uttar Pradesh Notified Area and Municipality are on Dharana in front of Legislative Assembly. Country is going to celebrate its 50th year of Independence, will it be fair if we neglect them? Are we going to celebrate the 50th year of Independence like this? When India got freedom, it was hoped that now they will be given a fair hearing but everyone turned a deaf ear to them. I request you to issue a direction to listen to their demands help them and their Dharana. No officer has yet gone there to listen to them. I want to know from the government the reason as to why the people who do this abhorring work of cleaning the garbage, are not given respect. Leave aside the question of their respect. From the last 40 months they have not received their salary, and in this regard is not in existence. Leaders are not ready to hear them. That's why I make a humble submission to you and to this house that the demands of Safai-karmacharis should be considered sympathetically because they are protesting in front of the Legislative Assembly from the last 4 months, How will they feed their children. How will they educate them. Today, we are going to celebrate the 50th year of our Independence and they are sitting on Dharana. The Government may resort to force against them. If it happen, it would be injustice with the Safai Kamacharis...*(Interruptions)*. It will affect the whole of India. How will this Government seen? ....*(Interruptions)*

MR. CHAIRMAN : Mr. Premi, Please take your seat

...*(Interruptions)*

*[English]*

MR. CHAIRMAN : Nothing will go on record except what Shri Sambasiva Rao is going to say.

...*(Interruptions)**

SHRI R. SAMBASIVA RAO (Guntur) : Mr. Chairman, Sir, the summer season this year was so severe in Andhra Pradesh and especially in Guntur District, the season had taken its toll wherein so many places the fire accident took place as a result of which 600 families were rendered homeless and property worth lakhs of rupees was damaged and they are under the trees. At one place, a wife and husband got self-immolated.

Due to the untold miseries of the weaker sections in my constituency, we approached the banks to sanction soft loans to the victims of the fire accidents and accordingly the nationalised banks in all the affected places came to the rescue of the victims of these devastating fire accidents. But however, things have been altogether different in the case of the State Bank of India in their service area.

It is in this context, I would like to draw the attention of the Government to the unprecedented situation which arose due to the devastating fire that broke out in a village, Chityala Tanda, Bellamkonda Mandal in Guntur Parliamentary constituency. All the houses, which were thatched roof houses, in the village were reduced to ashes and the fire caused severe damage to the property of villages, who are poor and down-trodden and belong to the Scheduled Tribe community. Around 40 families were rendered homeless and are literally on the road, without any shelter and they have no means to carry on.

With a view to help the victims of the fire, the District Coordination Committee of the nationalised banks met on 9th July, 1997 and resolved to sanction a soft loan of Rs. 5,000/- to each and every victim of the fire accident, which is inclusive of a subsidy of Rs. 1,250/- granted by the State Government under different head. The balance of the loan amount will be repaid by the beneficiaries, who are the victims of the fire accident, in monthly installments of Rs. 100/- per month. The lead bank of the District, that is, Andhra Bank, has advised banks in the District to sanction the loans accordingly to the fire affected villages in their service area.

All the banks have sanctioned the loans, but unfortunately, the State Bank of India is reluctant to adhere to the decision taken by the District Coordination Committee of the Banks and has refused to sanction loans to the fire victims. Despite repeated requests, the State Bank of India has not at all come forward to support the victims to start a new life.

If loans in cash and not in kind are sanctioned, the villagers will be able to put up thatched roof houses and settle down to carry on with the work of earning their livelihood afresh and can slowly repay the amount to the bank. But if they are sanctioned loans for purchase of buffaloes, without any roof over their heads, how can they even think of purchasing buffaloes and try to make out their livelihood? It is a thing which can be never thought of.

MR. CHAIRMAN : Shri Sambasiva Rao, you should not read. You please take your seat. If you take so much time, then other Members would not get the opportunity to speak. Please conclude now.

SHRI R. SAMBASIVA RAO : Sir, I will take one more minute.

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*Not Recorded.